

REMARKS/ARGUMENTS

Claims 41-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Roach et al (U.S. 5,434,394), hereinafter referred to as "the Roach patent". Applicant respectfully traverses the Examiner's rejection and respectfully asserts that claims 41-76 are not anticipated by the Roach patent. The Roach patent discloses a method and apparatus for processing merchandise sale transactions for customers at a point of sale within a warehouse facility in which a point of sale computer system is coupled with a warehouse computer system, and the two systems operate in support of each other. More specifically, once the merchandise is selected at the point of decision system of the point of sale system within the warehouse by a customer, the point of sale system sends information to the warehouse facility to enable the merchandise to be picked from the warehouse and sent to the delivery location, thereby minimizing the wait time required for the customer to take possession of the merchandise. In comparing independent claim 41 to the Roach patent, the Examiner states:

As per claim 41, Roach et. al. teach:

A computerized on-line incentive system for awarding points to a user conducting an on-line purchase, the system comprising:

- (a) an access device connected to a network (see column 5, lines 45-55; figure 1);
- (b) a computerized on-line sales environment, connected to the network and thereby accessible to the user of the access device, the on-line sales environment permitting the user to conduct an on-line purchase (see figure 1, column 5, line 45 - column 7, line 39); and
- (c) an on-line award system connected to the network, the on-line award system being in communication with the on-line sales environment and possessing an account holding a point total corresponding to the user (see column 7, lines 1-39; column 9, lines 51-63; column 10, lines 35-67; column 11, line 44-column 12, line 15; column 13, lines 1-30).

While applicants disagree with the Examiner's assertion regarding the definition of on-line, Applicant has amended claim 41 to identify another aspect of the invention that is not disclosed by the Roach patent specifically related to the issue of on-line. Claim 41 has been amended to specifically set forth that the on-line sales environment set forth in claim 41 permits

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the user to determine items that are for sale and conduct an on-line purchase of the items. This concept is adverse to the concepts set forth in the Roach patent, because items being purchased are in the warehouse and available. In the present invention, the system user has to access items available for purchase on-line. The networked system advises the system user whether items desired to be purchased are available for purchase prior to purchase. This is contrary to the system disclosed in the Roach patent. Accordingly applicant respectfully requests allowance of claim 41. In addition, by virtue of their dependency on claim 41, Applicant respectfully request allowance of claims 42-60.

With respect to independent claim 61 the Examiner states:

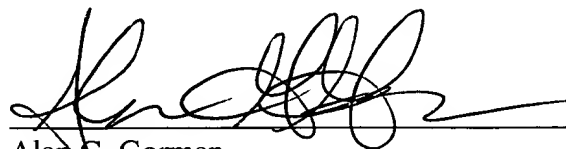
Claim 61 contains the same limitations as claim 41 therefore the same rejection 15 applied.

Applicant respectfully submit that the same remarks that apply to claim 41 apply to claim 61 and for the same reasons, claim 61 is allowable and the rejection under 35 U.S.C. 102(e) should be withdrawn. In addition, by virtue of their dependency on claim 61, Applicant respectfully request allowance of claims 62-76.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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